

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PAUL RAFFAELE,)	
)	
Plaintiff,)	
)	
v.)	No. 10-248C
)	(Judge Baskir)
UNITED STATES,)	
)	
Defendant.)	

DEFENDANT'S NOTICE OF INTENT TO FILE A DISPOSITIVE MOTION

Pursuant to paragraphs 2, 3, and 4 of the Court's Special Procedures Order dated May 6, 2010 ("SPO"), defendant, the United States, respectfully submits this notice of its intent to proceed by the filing of a dispositive motion in lieu of an answer. Pursuant to paragraph 4 of the SPO, we are not filing our dispositive motion at this time, and this Notice satisfies the defendant's obligation to answer or otherwise respond to the plaintiff's complaint under the Rules of the Court of Federal Claims.

It is our understanding that, in the parties' forthcoming Joint Preliminary Status Report ("JPSR"), which is to be filed within 45 days of the filing of this notice, we must briefly identify the factual and legal bases of our dispositive motion. Therefore, we will work with the plaintiff to file a JPSR in compliance with the Court's SPO on or before August 23, 2010.

Respectfully submitted,

TONY WEST
Assistant Attorney General

/s/ Jeanne E. Davidson
JEANNE E. DAVIDSON
Director

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JULY 9, 2010

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 9th day of JULY, 2010, a copy of this "DEFENDANT'S NOTICE OF INTENT TO FILE A DISPOSITIVE MOTION" was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Sheryl L. Floyd